

**REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-19 and 21 are now present in this application. Claims 1 and 21 are independent. By this amendment, the specification and claims 1 and 18 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

**Request for Withdrawal of Finality of Office Action**

Applicant respectfully submits that the failure to treat claim 2 on the merits in the Office Action mailed June 8, 2006, and then the failure to treat claim 2 on the merits in the subsequent Office Action mailed December 19, 2007, was improper, and necessitates that the finality of the Office Action mailed December 19, 2007 be withdrawn.

Accordingly, withdrawal of the finality of the previous Office Action, and an Office Action on the merits with respect to claim 2 is respectfully requested.

**Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by correcting the deficiency identified in claim 18.

**Objection to the Drawings**

The Examiner has objected to the drawings alleging that several terms used in the claims are inconsistent with terms used in the specification and are not indicated on any drawings.

In order to overcome this objection, Applicant has amended the specification to replace the term "lifting rails" in the paragraph beginning at line 10 on page 16 to "lifting arms." Regarding the remaining objections, Applicant respectfully directs the Examiner's attention to

the previously filed amendment where these objections were addressed. See pages 2-4 and page 7 in particular.

Accordingly, reconsideration and withdrawal of these objections, and approval of the drawings are respectfully requested.

#### **Specification Objection**

The Examiner has objected to the disclosure because several references listed in the specification have not been cited in the IDS filed on February 23, 2004. A separate IDS listing these references will be filed under separate cover. Applicant notes that since the previous office action was improperly made final, this IDS will be filed timely.

Reconsideration and withdrawal of this objection are respectfully requested once the IDS is filed.

#### **Claim Objection**

The Examiner has objected to claim 18. In order to overcome this objection, Applicant has amended claim 18 in order to correct the deficiency pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

#### **Examiner Interview**

Applicant wishes to thank the Examiner for the courtesies extended to Applicant's representative during the personal interview that was conducted on May 2, 2007. An Examiner Interview Summary was made of record as Paper No. 20070502. During the interview, Applicant's representative discussed the application of Schwien and Dearborn to independent claim 1. In particular, it was noted that Dearborn does not show the claimed "a support rack attached to said lifting arms, said support rack comprising a pair of spaced-apart rack members, said rack members being configured to support a spool, each rack member extending mainly vertically from one of the lifting arms" set forth in independent claim 1.

Applicant's representative also discussed possible amendments to the claims to address Schwien, including amending the claims to recite "a lifting frame pivotally attached to said main

frame, said lifting frame including a lever arm and a pair of spaced-apart lifting arms operably connected thereto” of claim 1 to “a lifting frame pivotally attached to said main frame, said lifting frame including a lever arm and a pair of spaced-apart lifting arms directly connected thereto.”

Applicant’s representative also noted that neither Schwien nor Dearborn discloses that the spaced-apart lifting arms extend in the longitudinal direction in a pre-loading mode and a post-loading mode. Claim 1 has been amended and claim 21 has been added in the manner discussed during the interview, and are believed to place the application into condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1, 3, 5, 6, 15, 16, 18, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schwien; claims 1, 3, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dearborn; claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Bills et al.; claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Cowles et al.; claims 9, 10, 12, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Bogar; claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Henderson; and claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Bogar and Henderson. These rejection are respectfully traversed.

Complete discussions of the Examiner’s rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner’s rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a loading system including “a lifting frame pivotally attached to said main frame, said lifting frame including a lever arm and a pair of spaced-apart lifting arms directly connected thereto.” Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Schwien and Dearborn as discussed more fully during the Examiner

Interview discussed above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

None of the other references cited by the Examiner were utilized to teach or suggest the identified deficiencies above. Therefore, the combination of the utilized reference with either Schwien or Dearborn would fail to make obvious the invention set forth in independent claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With regard to dependent claims 2-19, Applicant submits that these claims depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 2-19 are allowable based on their dependence from claim 1, as well as for their additionally recited subject matter. Reconsideration and allowance thereof are respectfully requested.

### **Claim 21**

Claim 21 has been added for the Examiner's consideration. Independent claim 21 recites a combination of elements in a loading system including "the pair of spaced-apart lifting arms extend in the longitudinal direction in the pre-loaded position of the loading system and in the loaded position of the loading system." Applicant respectfully submits that this combination of elements as set forth in independent claim 21 is not disclosed or made obvious by the prior art of record and as discussed more fully during the Examiner Interview discussed above.

Consideration and allowance of claim 21 is respectfully requested.

### **Additional Cited References**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

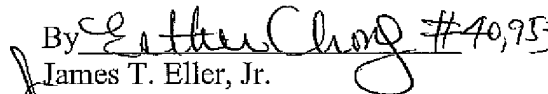
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 21, 2007

Respectfully submitted,

By  #40,953  
James T. Eller, Jr.  
Registration No.: 39,538  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant